IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.4991 of 2007
Date of Decision: 17.4.2007

Rajni Bala and others

Petitioners

Versus

State of Haryana and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri Vikas Mohan Gupta, Advocate for the petitioners
Shri Harish Rathee, Sr.DAG Haryana

Jasbir Singh, J. (Oral)

This order will dispose of three writ petitions bearing CWP Nos.4819, 4991 and 5476 of 2007, as common questions of law and fact are involved. For facility of reference, facts are being mentioned from CWP No.4991 of 2007.

This writ petition has been filed with a prayer to quash order Annexure P/3 dated 27.3.2007, vide which, admission schedule, for the Course of Art and Craft Teachers, for the Session 2006-2007, was postponed.

It is very surprising that for the Session 2006-2007, the prospectus was issued by respondent No.2, on 8.3.2007. Academic Session/ year is almost complete. We fail to understand as to how the student, if given admission now, will complete the requisite number of hours of study for the course in question.

At the time of arguments, it has been brought to our notice that to be eligible to appear in the final examinations, it is necessary for every student to undergo minimum 1950 hours of study and training etc. Shri Gupta, counsel for the petitioners, who is also counsel for the petitioner in CWP No.4819 of 2007, filed on behalf of an Institution, states that the deficient hours of study will be completed by giving extra classes. We feel that the same is not practically possible. As per schedule of study, annexed as Annexure R/1 with the reply, the classes are supposed to start at 9 O'clock and will come to an end at 5 O' clock in the evening. If that is so, we cannot expect that any extra classes can be taken up by the teachers and the students, who may get admission in this course. Entire mess appears to have been created by the respondents, in not issuing prospectus at the proper time. It is expected that for the Session 2006-2007/ academic year, the prospectus should have been issued maximum by the end of March/ April, 2006. However, the present prospectus was issued in the month of March, 2007, when practically, entire academic Sessions/ year is almost complete. This shows negligent and lethargic attitude adopted by respondent No.2 and its officials. It further shows their non-concern with regard to the career of the students, who were to get admission in above-said course. We deprecate this practice and ask the Secretary, Department of Technical Education, Government of Haryana, to undertake remedial

measures, so that in future no such confusion arises and the students/ applicants get admission at the proper time.

So far as prayer of the petitioner to allow them to get admission in the Session 2006-07 is concerned, it is not possible to accept the same, as the Session is virtually over. They will not be in a position to undergo requisite hours of study and training, which is necessary to be eligible to appear in the final examinations.

Shri Rathee, by making reference to the written statement, has stated that the respondents are going to issue fresh prospectus for the course, for the Session 2007-2008. It is apparent from the contents of the prospectus, earlier issued, that the maximum age, to get admission has been prescribed. If the applications earlier moved by the petitioners and other similarly situated candidates are not considered/ accepted, it appears that some candidates may become over-age and will not be eligible to get admission for the course in the year 2007-2008.

Confronted with situation, mentioned above, Shri Rathee made a very fair statement that all the applications submitted under the prospectus in question i.e. with regard to the Session 2006-07 shall be treated as valid and those candidates need not apply again under the prospectus going to be issued for the Session 2007-08. Their applications will be treated for the course for the Session 2007-2008. If in the meantime, any candidate has become over-aged, the bar of age will not operate against that candidate. We feel that in view of fair concession given, this writ petition can be disposed of by issuing directions to the State authorities to consider all the applications made by the candidates under the prospectus in question, now for the Session 2007-08 and bar of age, as mentioned above, shall not

operate against any candidate, who might have become over-aged in the meantime.

With a view to streamline process of admission for the course, we direct that in future, process of affiliation/ recognition of any institution, be completed positively by 15th of March every year. Thereafter, prospectus be issued positively by 15th of May every year, showing names of the recognized institutions and process of admission be completed by 15th July every year and classes must commence in the second fortnight of July every year.

For the Session 2007-2008, the State government is further directed to adhere to the schedule of admission given in paragraph 7 of the written statement filed.

With above mentioned observations, the writ petition stands disposed of.

(Jasbir Singh)
Judge

April 17, 2007 **(Nirmal Yadav)**
gk **Judge**